



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

Street Closing Report



Meeting Date: August 18, 2014

Reference Name	Street Closing – A request to close 3,585 square feet of South Miami Boulevard (SC1400010)	Jurisdiction	City
Request	To conduct a public hearing to consider the permanent closing of 3,585 square feet of South Miami Boulevard.		
Applicant	Gail Sherron, Edens Land Corp	Submittal Date	May 6, 2014
Location	North of Lumley Road, west of Rolling Pines Avenue		
Recommendation	Approve permanent closing of the public right-of-way.		

A. Summary

Gail Sherron, with Edens Land Corp, proposes to close a 3,585 square foot portion of South Miami Boulevard (Attachment 4). The right-of-way is currently open and the portion of the street requested for closure is bordered by property owned by 'BDG Miami Associates, LLC'. If the request is approved, this portion of the right-of-way will be recombined with the adjacent property (Attachment 4).

Adjacent to the subject site is 'Camp Bow Wow', a commercial dog kennel. The applicant indicated that this street closure has been requested as the property owner desires a more visible free standing sign at the subject property. Both the North Carolina Department of Transportation (NCDOT) and City of Durham Transportation department have indicated support for the closure of this right-of-way.

B. Area Characteristics

The area surrounding the right-of-way is zoned Residential Suburban-20 (RS-20), Industrial Light with a Development Plan (IL(D)), and Commercial Neighborhood (CN). The portion of this street requested for closure is located within the Suburban Tier. The subject site is located to the north of Lumley Road and west of Rolling Pines Avenue.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	Commercial	IL(D)	None
South	Residential	CN	None
East	Medical Office	CN	None
West	Vacant	RS-20	None

C. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

D. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

E. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments		
Service Agency	Comments	How Addressed
NCDOT	No impact	n/a
County - Engineering	No impact	n/a
County - Fire Marshall	No impact	n/a
Durham County Sherriff	No impact	n/a
Emergency Medical Services	No impact	n/a
911	No impact	n/a
Durham Public Schools	No impact	n/a
City - Transportation	No impact	n/a
City - Engineering	No impact	n/a
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a
City – Solid Waste	No impact	n/a
City – Inspections	No impact	n/a
City – General Services	No impact	n/a

Service Agency Comments		
Police Department	No impact	n/a
Duke Energy	No impact	n/a
PSNC	No impact	n/a
Frontier	No impact	n/a
Tax Assessor Office	No impact	n/a
Address Coordinator, GIS	No impact	n/a

F. Staff Analysis

The area adjacent to the right-of-way is zoned RS-20, IL(D), and CN and is located within the Suburban Tier. The proposed street closing plat (Attachment 4) indicates that the requested right-of-way will be recombined with the adjacent property. Staff finds this portion of South Miami Boulevard to be superfluous to the public at-large and recommends approval of the street closing.

G. Recommendation

Approve the permanent closing of 3,585 square feet of public right-of-way.

H. Staff Contact

Jacob Wiggins, Planner, 919.560.4137 ext. 28257 jacob.wiggins@durhamnc.gov

I. Attachments

1. Context Map
2. Aerial Map
3. Street Closing Application
4. SC1400010 – Street Closing Plat Reduction
5. Street Closing Order